

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANNY BERLINSKY,

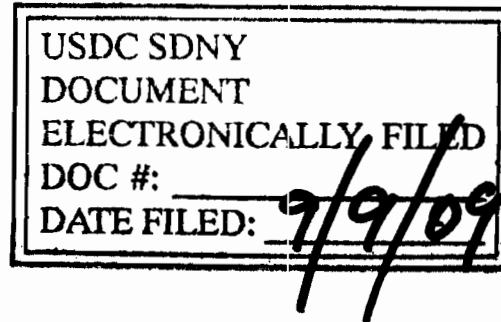
Plaintiff,

v.

ALCATEL ALSTHOM COMPAGNIE
GÉNÉRALE D'ELECTRICITÉ a/k/a
ALCATEL ALSTHOM,

Defendant.
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Case No. 94 Civ. 9088 (CBM)



~~PROPOSED~~ ORDER DIRECTING DISTRIBUTION
OF THE UNCLAIMED BALANCE OF THE NET SETTLEMENT FUND

WHEREAS, on April 28, 1997, this Court by the Honorable Constance B. Motley, approved the class action settlement in this action (the "Final Order");

WHEREAS, on July 13, 1999, this Court, by the Honorable Constance B. Motley, issued an order directing distribution of the Net Settlement Fund;

WHEREAS, this Court retained jurisdiction over certain matters, including all matters relating to the administration of the settlement and its terms;

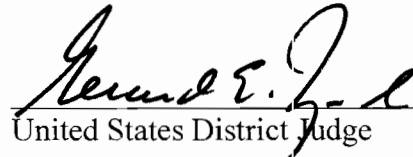
WHEREAS, the Claims Administrator, Berdon Claims Administration LLC, ("BCA"), has attempted to locate claimants who submitted a valid proof of claim and were sent checks from the Net Settlement Fund but were not cashed (see Affidavit of Michael Rosenbaum, sworn to September 3, 2009);

WHEREAS, plaintiff seeks entry of an order permitting the unclaimed funds to be distributed to non-profit charitable organizations qualified under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Court having reviewed all submissions presented on the Motion, it is now hereby ORDERED, ADJUDGED, AND DECREED THAT:

1. The unclaimed balance of the Net Settlement Fund shall be paid to Section 501(c)(3) qualified charitable organizations.
2. The Court reserves jurisdiction over all matters relating to the administration and consummation of the terms of this Order.

Dated: September 9 2009


United States District Judge